UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/669,847	09/27/2000	Yoichi Okano	FQ5-488	6526

21254	7590	11/28/2005

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EXAMINER
JAMAL, ALEXANDER

ART UNIT	PAPER NUMBER
2643	

DATE MAILED: 11/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Advisory Action ***Before the Filing of an Appeal Brief***	09/669,847	OKANO, YOICHI
	Examiner	**Art Unit**	
	Alexander Jamal	2643	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 11 October 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☒ The period for reply expires _3_ months from the mailing date of the final rejection.

   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a)☒ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b)☐ They raise the issue of new matter (see NOTE below);

   (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

      NOTE: *claims 11,18,19,20,27 have new limitations.* (See 37 CFR 1.116 and 41.33(a)).
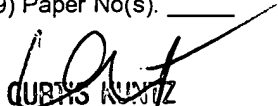
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: _____.

   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>see response to arguments.</u>

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.

13. ☐ Other: _____.

CURTIS KUNTZ

SUPERVISORY PATENT EXAMINER
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Response to Arguments

1.   Applicant's arguments with respect to claims 1-30 have been considered but are not

persuasive.

As per applicant's arguments regarding the Nazanin, Smith and Groff references,

examiner reiterates the response from the final office action (7-8-2005). Examiner

further notes that Nazanin functions by comparing a future date that is an indication of a

predetermined amount of time with the current time of day. This is the same action as

performed by applicant's claims: Determining if the predetermined amount of time has

passed is the same as noting the current time of day and indicating when it reaches a

specific point in time (that is set by a predetermined time interval).

As per applicant's remarks regarding the Nazanin reference, examiner contends

that the Nazanin reference does disclose the steps as described in the claim language of

claim 1. The Nazanin reference does disclose a call reminder system that is based upon

the elapsed time (when the time to call is entered as a time duration Col 3 lines 60-67)

since last communication. The use of the previously set time/date in relation to the

current time/date is the mechanism by which the phone calculates an amount of time that

has elapsed since the last communication time. Once the current time/date reaches the

previously set time/date, the phone determines that the time duration has elapsed from the

last communication time. The user is given an option to update the reminder time

(either as a time of day or an hour and minute format) every time communication with a

called party is terminated (this is the last communication time) (Col 3 lines 19-35).

Examiner further requests applicant to show (as per the specification), the exact manner

in which the 'elapsed time' is compared to the predetermined time interval. It appears

that the elapsed time is calculated by comparing the absolute 'current time' to the 'last

communication time' (applicant's specification page 11 lines 14-25). This is the same

function that is performed by the Nazanin reference when the predetermined time interval

is compared to the absolute 'last communication time' and stored as an absolute 'future

time' that is compared to the absolute 'current time'. Please see the claim 28 rejection

for more details.

As per applicant's remarks regarding the Nazanin reference in view of Smith,

examiner contends that the two references are both directed to systems that facilitate

phone calls for users. The Nazanin reference discloses the use of a predetermined before

alert time period. The Smith reference discloses that user account information may be

related to groups of user records (called party phone number lists) (Col 1 lines 10-55) in

order to increase processing efficiency. The system in Nazanin easily implements the

teachings of Smith by assigning the Default time (already disclosed in Nazanin) to a set

or subset of a user's called party phone number list. The motivation provided to combine

the references (an increase in processing efficiency) is a valid motivation. The Nazanin

reference discloses the entering the before-alert time interval (as described above). The

Smith reference teaches to divide called parties into groups in order to enter account

records. The prestored DEFAULT value time duration disclosed by Nazanin could be

used in view of Smith's teachings to implement groups of called partied where the

account information is entered by the group.

As per applicant's arguments regarding the Nazanin reference in view of Groff, examiner contends that the Groff reference is related to a device that inhibits the ringer (alerting system) of a phone during time periods when a user does not want to be disturbed, and the Nazanin reference is related to a phone device that alerts users

As per applicant's remarks regarding the Groff reference destroying the intended purpose of the Nazanin reference (to remind the user to call a party at a specific time or after a specific time duration when the phone is not offhook or turned off). The examiner contends that the Groff reference teaches an improvement over the Nazanin reference in that the user may specify alert inhibition time period. In Nazanin (Col 2 line 44 to Col 3 line 10) the system already contemplates a situation where the user needs to be alerted, but the phone is powered down or busy. The phone system is able to compensate for these situations without destroying the intended purpose of the phone.